

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PROSPERUM CAPITAL PARTNERS LLC DBA  
ARSENAL FUNDING,

Plaintiff,

-v-

21 Civ. 7974 (PAE)

ORDER

NHC FOOD COMPANY INC DBA NHC FOOD  
COMPANY, NEW HAPPY FOOD COMPANY, and YOU  
NAY HOR KHAO,

Defendants.

PAUL A. ENGELMAYER, District Judge:

On September 24, 2021, defendants removed this case from the Supreme Court, County of New York. Dkt. 1. On September 29, 2021, defendants filed a motion to transfer. Dkt. 4. On November 14, 2021, defendants filed proof of service of its motion to transfer. Dkt. 15. The proof of service indicated that service had been effectuated by first class mail. *Id.* It did not indicate whether defendants had received a return receipt. *Id.* In New York State, proof of service for service by first class mail is demonstrated by “[t]he signed acknowledgement of the receipt.” NY CPLR § 312-A(b) (2020).

Plaintiff has neither responded to the pending motion to transfer, nor appeared at all in the removed case. By December 15, 2021, defendants shall file proof of service constituting signed acknowledgement of the receipt of its motion to transfer.

SO ORDERED.

*Paul A. Engelmaier*

PAUL A. ENGELMAYER  
United States District Judge

Dated: December 13, 2021  
New York, New York